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Paper No. 28

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OFFICE OF PETITIONS

In re Application of :
Papadopoulou et al. :
Application No. 08/931,721 :
Filed: 16 September, 1997 :
Attorney Docket No. 1038-729MIS: :
ON PETITION

This is a decision in reference to the paper styled "Further Renewed Petition to Revive an Abandoned Application" filed on 19 March, 2003, which, is being treated as a petition under 37 CFR 1.137(b)¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 20 August, 2000, for failure to file a timely response to the Notification of Non-Compliance with 37 CFR 1.192(c), mailed on 19 July, 2000, which set a one (1)-month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The petition filed on 29 September, 2000, was dismissed in a decision

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

mailed on 22 August, 2002. The renewed petition filed on 12 November, 2002, was dismissed on 23 December, 2002. The renewed petition filed on 23 January, 2003, was dismissed on 10 February, 2003.

Petitioners have now paid the petition fee required under 37 CFR 1.137(b) of \$1300.00.

The present petition is accompanied by an additional Request for Continued Examination (RCE) Request and payment therefor. The RCE Request indicates that the reply brief filed on 29 September, 2000, is the submission required under 37 CFR 1.114.

The application is being forwarded to Technology Center 1600 for processing of the RCE and submission.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



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